

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:

MARTIN J. SMITH,
SSN: XXX-XX-4349

FOR AN ARRANGEMENT
UNDER CHAPTER 11
PROCEEDINGS.

LAURI B. SMITH,
SSN: XXX-XX-7886

CASE NUMBER 14-80263

Debtors.

MOTION FOR CONTEMPT

COMES NOW, Debtors, MARTIN J. SMITH and LAURI B. SMITH, and makes this their Motion for Contempt and would show the Court as follows:

1. On September 17, 2019 Debtors sold their home located at 2310 Jade Pointe Drive, Decatur, Alabama pursuant to this court's Order dated August 9, 2019, Doc #169, in order to pay the IRS, Order On Motion to Sell Property Free and Clear of Liens:

“4(a). All claims of liens and encumbrances including, but not limited to, the mortgage to Compass Bank BBVA, claims of the IRS and other secured creditors of the Debtors or other creditors whose claims could act as liens against the home and property shall attach to the proceeds of the sale.”

2. Compass Bank BBVA was paid in full at the closing, however on October 9, 2019 Compass Bank BBVA took a mortgage payment out of Debtors' account in the amount of \$2,700.

3. Counsel for Debtors has called and written Compass Bank BBVA and sent evidence of Compass Bank BBVA taking a payment from the Debtors' account after being paid in accordance with this Court's Order.

Wherefore, above premises considered, the Debtors pray that this Court enter an order granting the Debtors' Motion to Return Funds ordering Compass Bank BBVA to return the \$2,700 taken out of Debtors' bank account, reasonable attorney's fees and for such further relief as may be deemed appropriate.

Respectfully submitted this the 19th day of November, 2019.

/s/ S. Mitchell Howie
S. Mitchell Howie
Attorney for Debtor
107 North Side Square
Huntsville, AL 35801
Ph: (256)533-2400
Fax: (256)533-3488
mitch@huntsvillelaw.info

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Motion filed by Debtors on 11-19-19 to all parties listed below as well as the Trustee, via the Court's CM/ECF Filing System, email address as listed and/or U.S. Mail on this, the 19th day of November, 2019.

Richard Blythe, Esq.
Assistant US Bankruptcy Administrator
[richard_blythe @alnb.uscourts.gov](mailto:richard_blythe@alnb.uscourts.gov)

Robert D. Reynolds, Esq.
REYNOLDS, REYNOLDS & LITTLE, L.L.C.
Compass Bank
robreynolds1@rllaw.com

Compass Bank BBVA
Attn: Larry Chapman
401 West Valley Ave.
Homewood, AL 35209

Compass Bank BBVA
Attn: Jonathan
P.O. Box 10566
Birmingham, AL 35296
Fax: (205)524-3054

/s/ S. Mitchell Howie
S. Mitchell Howie
107 North Side Square
Huntsville, AL 35801
(256)533-2400